BOMBAY ACT No. XXXI OF 1948.[1]

[THE BOMBAY BUILDING (CONTROL ON ERECTION, RE-ERECTION AND CONVERSION) ACT, 1948.]

[*10th April 1948*]

Amended by Bom. 69 of 1948.
" " " 15 of 1950.†
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 53 of 1953.
" " " 58 of 1954.

An Act to provide for the control on [2][erection, re-erection and conversion] of buildings in the Province of Bombay.

WHEREAS with a view to providing better housing accommodation and securing economic and orderly building development [3][and the proper location of buildings erected or re-erected for the purposes of public amusements and industrial undertakings to avoid overcrowding and nuisances] it is necessary to provide for the control on the erection and re-erection of buildings in the Province of Bombay [3][and their conversion] and for certain other purposes; It is hereby enacted as follows :—

Short title, [5][extent and application].

1. (*1*) This Act may be called the Bombay Building (Control on Erection [4][Re-erection and Conversion]) Act, 1948.

(*2*) It extends to the areas specified in the Schedule.

(*3*) The [5][State] Government may, by notification in the *Official Gazette*, direct that it shall also extend to any other area specified in such notification.

[6]* * * * * * *

[7][(*4*) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement :

Bom. XV of 1950.

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the aforesaid date apply also to buildings intended to be used for an industrial undertaking.]

[9][Provided further that the State Government may by notification in the *Official Gazette* direct that the provisions of this Act shall apply to such areas, such of the aforesaid classes of buildings and from such date as may be specified in the notification.]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Pt. V, page 157.
[2] These words were substituted for the words " erection and re-erection ", by Bom. 53 of 1953, s. 2.
[3] This portion was inserted, *ibid.*, s. 3.
[4] These words were inserted, *ibid.*, s. 4(*1*).
[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[6] The words beginning with the words " The Provincial Government may further " and ending with the words " in the notification " were deleted by Bom. 15 of 1950, s. 2(*1*).
[7] This sub-section was inserted, *ibid.*, s. 2(*2*).
[8] These words were substituted for the words " and extent ", *ibid.*, s. 2(*3*).
[9] This proviso was added by Bom. 53 of 1953, s. 4(*2*).

†Section 6 of the Bombay Building (Control on Erection) (Amendment) Act, 1950 (Bom. 15 of 1950), reads as under:—

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture on punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Definitions.

2. In this Act, unless there is anything repugnant to the subject or context,—

(*i*) "building" means a house, out-house, stable, shed, hut and every other structure, involving use of bricks, cement; asbestos cement sheets, iron, steel or any other material which the [1][State] Government may by notification in the *Official Gazette* specify.

Explanation.—Use of iron or steel by way of nails or screws or doors, windows and fastenings shall not be deemed to be use of iron or steel within the meaning of this definition.

(*ii*) "Controller" means the person appointed as such under section 3;

[2][(*ii-a*) "conversion of a building" means to use or permit to be used for the purpose of an industrial undertaking, any building to which this Act applies, which was erected, re-erected, or used, or intended to be used, for any other purpose; and "to convert" shall be construed accordingly:

Provided that a building shall not be deemed to be used or permitted to be used for an industrial undertaking by reason only of its being used as a godown, storehouse or warehouse; but any change in the use of such building for the purpose of any other industrial undertaking shall be deemed to be a conversion of the same.]

(*iii*) "erection or re-erection of a building" includes any alteration to, or enlargement of, or addition to, any building; and the expression "erect or re-erect a building" shall be construed accordingly;

(*iv*) "prescribed" means prescribed by rules made under this Act;

[3]* * * * * *

Appointment of Controllers of Buildings.

3. The [1][State] Government may, by notification in the *Official Gazette*, appoint for any area one or more persons to be the Controllers of Buildings for the purposes of this Act.

Application for permission to erect or re-erect buildings, or to continue to erect or re-erect building [6][or for conversion].

4. (*1*) Every person desiring to commence the work of erection or re-erection of a building or to continue the work of erection or re-erection of a building commenced before the date on which this Act has come into force [4][and every person desiring to convert a building] shall make an application in writing to the Controller for permission to do so. The application shall be in such form and contain such information in respect of the building to which the application relates as may be prescribed.

(*2*) On receipt of such application the Controller, after making such enquiry as he considers necessary, shall, [5][subject to such general or special orders as the State Government may make in this behalf,] by order in writing either—

(*a*) grant the permission subject to such conditions, if any, as may be specified in the order; or

(*b*) refuse to grant such permission:

[7]* * * * * * *

(*3*) If at the expiration of a period of [8][three months] after an application under sub-section (*1*) has been received by the Controller no order in writing has been passed by the Controller permission shall be deemed to have been granted without imposition of any condition.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] This clause was inserted by Bom. 53 of 1953, s. 5.
[3] Clause (*v*) was deleted by Bom. 15 of 1950, s. 3.
[4] These words were inserted by Bom. 53 of 1953, s. 6 (*1*).
[5] These words were inserted, *ibid*., s. 6(*2*).
[6] These words were added, *ibid*, s. 6 (*3*).
[7] Proviso and Explanation in sub-section (*2*) were deleted by Bom. 15 of 1950, s. 4.
[8] These words were substituted for the words "One month" by Bom. 58 of 1954, s. 2, Schedule.